Petition

81-1801

No 80-8086

Supreme Court, U.S.
F I L E D
MAR 29 1982
ALEXANDER L. STEVAS

In the Supreme Court of the United States

April Term 1982

Milton Kramer

Petitioner,

v.

Attorney General of the State of New York

Respondent.

PETITION FOR WRIT OF CERTIORARI

To the United States Court of Appeals

For the Second Circuit

MILTON KRAMER
Pro Se
159A Washington Rd.
Carmel, N.Y. 10512
914-628-0707
212-247-4141

I

QUESTIONS PRESENTED

1. Whether the Statute (Section 375, Subdivision 21-a of the Vehicle and Traffic Law of the State of New York) under which Petitioner was convicted, was in force and effect at the time of the alleged violation.

2. Whether the court erred in its interpretation of the time of commencement of the effectiveness of the said statute.

3. Whether in so erring it exposed to and caused Petitioner to be convicted of an Ex Post Facto judgment, in direct violation of The Constitution of the United States, Article I, Section 10.

4. If no record is kept by the State of the time of day on which the Governor signs a bill into law, at what time of that day should the law be considered tc be in effect?

II

LIST OF ALL PARTIES

Parties Petitioner:

Milton Kramer

Parties Respondent:

Attorney General of the State of New York

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CONSTITUTIONAL AND STATUTORY PROVISIONS

The Constitution of the United States
Article I, Section 10

The Constitution of the State of New York
Article IV, Section 7

Vehicle and Traffic Law of the State
of New York, Section 375, Subdivision 21(a)

MISCELLANEOUS

Letter, Legal Division, Department of
Motor Vehicles, State of New York

Letter, Legislative Secretary, Counsel
to the Governor, State of New York

In the Supreme Court of the United States

April Term, 1982

Milton Kramer

Petitioner,

v.

Attorney General

of the State of New York

Respondent.

PETITION FOR A WRIT OF CERTIORARI

To the United States Court of Appeals

For the Seond Circuit

The Petitioner, Milton Kramer, respectfully asks that a Writ of Certiorari issue to review the final opinion of the United States Court of Appeals for the Second Circuit entered into in this proceeding on November 5, 1981. Rehearing/Reconsideration was denied on February 4, 1982

The opinion of the United States District Court, Southern District of New York was entered on Feb. 8, 1980, denying Petitioner's Motion for a Stay of Execution.

An Application For Leave to Appeal to the Court of Appeals of the State of New York was denied on August 22, 1979.

A Motion For Reversal of Judgment and an Affidavit of Errors was denied by the Appellate Term of the Supreme Court of the State of New York, 9th and 10th Judicial Districts on July 26, 1979.

Petitioner was convicted in the Town Court, Town of Somers, Westchester County, State of New York on November 16th, 1978 of a violation of Section 375 Subdivision 21-a of the Vehicle and Traffic Law of the State of New York.

All opinions appear in the Appendix hereto.

The jurisdiction of this Court is invoked under 28 U.S.C. Sect. 1254 (1).

STATEMENT OF FACTS

Petitioner, Milton Kramer, was convicted after a trial without jury, of violating Section 375, Subdivision 21-a of the Vehicle and Traffic Law of the State of New York which reads:

> "In any case where a New York State police vehicle is painted a distinctive color which would designate it in the public's view as such a state police vehicle, the purchaser of such vehicle shall cause the color of its paint to be altered and any designated markings be removed within fifteen days of registration.
>
> Section 2. This act shall take effect immediately. Approved and effective May 16, 1978."

The vehicle in question was purchased at public auction held May 16, 1978 at the New York State Police barracks, Millwood, New York and registered on the same day, May

16, 1978. All designated markings were removed.

It was in daily use until September 26, 1978 when, while being driven by Appellant it was stopped by the State Police in Westchester County and Uniform Traffic Ticket No. 549549 issued to Appellant. Appellant asked for a position paper from the Commissioner of Motor Vehicles of the State of New York and given a letter which stated in part:

> As stated above, the Governer signed the bill on May 16th which is the same day you purchased your vehicle. The law does not split days. We consider the bill to take effect one second after midnight on the morning of May 17, 1978. The law is not retroactive either. It will apply only to vehicles purchased on or after May 17, 1978."
>
> (Appendix A 10)

Trial was held in the Town Court, Town of Somers, Westchester County, State of New York, Hon. Albert F. Mally presiding. Trial was held without jury and stenographic minutes were not taken. Date of

the trial was October 23, 1978 and Defendant-Appellant stated his position as reflected in the letter from the Commissioner of Motor Vehicles and offered the letter in evidence. Decision was rendered to Defendant-Appellant by mailed letter; such decision dated November 16, 1978. Such decision reads in part:

> "The court finds the law effective May 16, 1978 and therefore applicable to the defendant.
>
> Defendant is found guilty of a violation of this section and is directed to comply with the law and furnish proof of such compliance to this court within 15 days hereof. Failing to do so, a fine of Fifty ($50.00) Dollars will be imposed."

A stay of execution was filed with the court on December 1, 1978, a Notice of Appeal on November 30, 1978 and an Affidavit of Errors on March 27, 1978, and other subsequent appeals as described in appendixes herein contained.

Under threat of a bench warrant being issued in the court of original jurisdiction, Petitioner moved for a Stay of Execution in

U.S. District Court, which was denied, and Petitioner caused the vehicle to be re-painted.

POINT 1

DEFENDANT-APPELLANT CANNOT BE JUDGED GUILTY OF VIOLATION OF A STATUTE WHICH THE PLAINTIFF-APPELLANT CANNOT PROVE WAS IN FORCE AND EFFECT

Section 375 Subdivision 21-a of the Vehicle and Traffic Law of the State of New York provides in its language that it shall become effective on May 16, 1978. Secretary fo the Legislature, the State of New York indicates in her enclosed document (Appendix A 9) that the subject statute was signed by the Governer on May 16, 1978, thus completing the legislative process as prescribed in the Constitution of the State of New York, Article IV, Section 7 which reads in part:

> "Every bill which shall have passed the Senate and the Assembly shall, before it becomes a law, be presented to the Governer; if he approves, he shall sign it;...."
>
> (Appendix A 8)

The records of the Secretary of the Legislature as described in the (Appendix A 9) clearly established May 16, 1978 as the date on which the execution was completed, but this same Defendant's Exhibit "2" also attests to the fact that no record of the time (hour, minute, second, etc.) of the execution on that day was kept.

There are cases holding that the day of signature becomes the day of passage but these cases must hold so relying on a legal fiction established for convenience. In the interest of maintaining this fictional convenience the reasonable mind must be strained to incredulous lengths rationalizing that the Governer was, in fact, poised with pen in hand, seconds before the stroke of midnight of the day before the day of passage so that his signature can be completed at the first measurable moment of the effective date. If this cannot be supported as the position of a rational mind and we allow the merest moment to ensue on

the date of passage, must we then not account for that moment? If not, would not any violation of the law in question have possibly been committed during that period of time between the commencement of the date of passage and when the law became law in accordance with the Constitutional provision; upon completion of the Governer's signature. Would not then an alleged violator become adjudged guilty of a violation of a law which did not exist? Is this not an ex post facto judgment?

At what moment in the day has the Governer's signature been affixed? If this information is not recorded, must not the presumption be made that any time fixed as the moment of passage of that day except the last possible measurable moment of the day of passage would release the spectre of ex post facto and therefore should not interpretation be in favor of the defendant? In the case here on appeal the language of the statute Section 2 said "This act shall

take effect immediately. Approved and effective May 16, 1978." The vehicle was registered on May 16, 1978. Regardless of the language of the bill, the bill did not exist as law until signed by the Governer. Did this occur before the car was registered or after? In the absence of proof of the former, Appellant respectfully submits that presumption must be in his favor.

The matter here before the court is of itself, not of earthshattering importance. The vehicle in question is a very high mileage vehicle and only eighteen were sold on that date. Even if we presume all eighteen were registered on May 16, 1978, that is still only eighteen high mileage and presumably short life vehicles.

However, the principle of law seems important. If we conjecture, for the moment of a law calling for capital punishment in which the crime in question was committed at 2:00 A.M. in the morning of the day in passage, a presumption that the Governer's

signature at 10:00 A.M. makes the bill effective that day; retroactively back to a split second after the previous midnight, then this legal fictional convenience would cost a defendant his life.

In Parkinson V. Brandenburg 35 Minn 294 Judge Mitchell held:

> And yet the general and now prevailing rule is that where the computation of time, as prescribed in statutes, is to be made from an act done, the first day - that on which is done - is to be excluded. Sedg. Stat Law, 356; Smith's Comm. Sect. 616; Bigelow v. Willison, 1 Pick. 485.

Judge Mitchell says further:

> It therefore seems to us that when a legislature declares that an act shall take effect "from and after its passage", or "from and after the day of its passage," it may be fairly presumed that they use these terms as exclusive of the day of the passage of the act. This furnishes a certain and convenient rule, which avoids serious practical difficulties resulting from holding that the day of the passage of the act is to be included. Some of the authorities which hold that such a statute takes effect on the day of its passage take the position that it is to be deemed in force from the earliest moment of that day, and that any inquiry as to the exact hour of its passage is inadmissable. In the Matter of Welman, 20 Vt. 654; Mallory v. Hiles, supra, it would seem wrong in principle that laws designed as rules of conduct should be,

by a mere legal fiction, made retroactive, even for a fraction of a day. To avoid this result, the tendency now is to hold that the statute takes effect only from the exact moment of its approval, and that, when necessary to determine conflicting rights, courts of justice will inquire as to the exact hour of its passage. In The Matter of Richardson, 2 Story, 571; People v. Clark, supra; Louisville v. Savings Bank, 104 U.S. 469.

The objection to this is that, while all right in theory, it is difficult of application in practice. There is usually no satisfactory means of ascertaining the exact hour at which the executive approved any given statute. The question must generally be decided on mere conjecture, or by indulging in presumptions, as in Kennedy v. Palmer, 6 Gray, 316. It certainly does not seem fit or proper that the time of commencement of a law, whenever the question arises, should be left to depend upon the uncertainty of parol proof, or upon anything extrinsic to the law itself and the authenticated recorded proceeding in passing it. By excluding the day of passage of the act, and holding that it take effect at the beginning of the following day, all these practical difficulties are avoided, and a rule established which is not certain and convenient, but as we think entirely in accord with recognized canons of construction. It is also in harmony with the usual method of computing time in other cases. We therefore see no good reason for receding from the rule laid down in Duncan v. Cobb, Supra.

In Louisville v. Savings Bank, 104 U.S. 469

Mr. Justice Harlan said in part:

"Mr. Justice Story has discussed this question with fullness in The Matter of Joseph Richardson, 2 Story, 571. By an act approved March 3, 1843, the statute establishing a uniform system of bankruptcy throughout the United States, approved August 19, 1841, was repealed, but it contained a proviso that the act should not affect any cause or proceeding in bankruptcy commenced before its passage, or any pains, penalties, or forfeitures incurred under said act; but that "every such proceeding might be continued to its final consumation," in like manner as if that act had not passed. A petition in bankruptcy was filed by Richardson on the 3rd of March, 1843, and the question arose whether it was cut off by the repealing act approved on the same day.

It appeared that the petition was filed about noon, while the repealing act was not, in fact, approved by the President until late in the evening of the same day, several hours after the filing of the petition. It was ruled upon the case presented, that the act of Congress should be held to have taken effect only from the act of approval of the President and not by relation from the commencement of the day on which such approval was given. After a review of the English decisions, the Court said: "So that we see that there is no ground of authority, and, certainly, there is no reason to assert that any such general rule prevails, as that the law does not allow fractions of a day. On the contrary, common sense and common justice equally sustain the propriety of allowing fractions of a day, whenever it will promote the purposes of substantial justice."

Later, in the same decision, in a discussion of Burgess v. Salmon 97 U.S. 381, Justice Harlan states:

> "It was ruled that the court could inquire as to the time of day when the President approved the act, and that "the time of such approval points out the earliest possible moment at which it could be a law, or, in the words of the act of March 3, 1875, at which it could take effect."

Further on, the Justice continues:

> "The cases in the state courts bearing upon this question, and taking substantially the same view, are numerous. We refer to only two of them. In Kennedy v. Palmer 6 Gray (Mass), 316, the question was as to the jursidiction of a justice of the peace of a particular county to hear and determine an action, commenced May 7, 1865, on which the Governer of the State approved an act; by which the exclusive jurisdiction of all such actions, "not already pending" was vested in a police court thereby established, the act providing that it should take effect from and after its passage. The evidence did not show either the hour of the day when the action was commenced, nor the hour when the Governer approved the act.
>
> The court adjudged that the justice had jurisdiction until the precise point of time when the act was approved, and thus became a law; and that since it did not appear the suit was instituted after the approval of the act, it must be treated as one pending at the passage of the act, and therefore, as unaffected by its provisions."

And further still:

> "There are decisions in the English courts to the same affect. In Roe d. Wrangnam v. Hersey (3 Wils. 274), the court characterized as a mere fiction of law, the general proposition that there were no fractions of a day; that, "by fiction of law, the whole time of the assizes and the whole session of the parliament may be, and sometimes are, considered as one day; yet the matter of fact shall overturn the fiction in order to do justice between the parties." Fictio cedit veritati; fictio juris non est ubi veritas. In Combe v. Pitt (3 Burr. 1423, 1434), Lord Mansfield expressed similar views. He said: "but though the law does not, in general, allow of the fraction of a day, yet it admits it in cases where it is necessary to distinguish, and I do not see why the very hour of the day may not be so too, when it is necessary and can be done; for it is not like a mathematical point, which cannot be divided."
>
> In view of the authorties it cannot be doubted that the courts may, when substantial justice requires it, ascertain the precise hour when a statute took effect by the approval of the executive.....
> .....In determining when a statute took effect no account is taken of the time it received the sanction of the two branches of the legislative department, which sanction is as essential to the validity of the statute as the approval of the executive. We look to the final act of approval of the executive to find when the statute took effect, and, when necessary, inquire as to the hour of the day when that approval was, in fact, given.

In United States v. Stoddard, Haserick, Richards & Co. 89 F 699 Affirmed CCA 91 F 1005, Judge Colt in discussing the general rule that there are no divisions or fractions of a day says:

> "But the rule is purely one of convenience, rather than of right or justice. Both in England and this country exceptions to the rule have always been recognized. The rule being a mere fiction, in order to do justice between the parties "the fact shall overturn the fiction"

He continues later:

> "In the case of a bill which is approved by the President, it takes effect as a law only by such approval, or from the time of such approval. The act of approval cannot reach backward. The law prescribed a rule for the future, not for the past.

Mr. Justice Story in In The Matter of Richardson (2 Story, 571), goes to the heart of the matter in the following language. After referring to Article 1, Section 7, of the constitution he proceeds:

> "Now, it seems to me clear from this language that, in every case of a bill which is approved by the President, it takes effect as a law only by such approval, and from the time of such approval. It is the act of approval which makes it a law; and, until that

> act is done, it is not a law. The approval cannot look backward, and, by relation, make that a law, at any antecedent period of the same day, which was not so before the approval. It may not, indeed, be easy, in all cases, to ascertain the very puntum temporis; but that ought not to deprive the citizens of any rights created by antecedent laws, and vesting rights in them. In cases of doubt, the time should be construed favorably for the citizens. The legislature have it in their power to prescribe the very moment, in futuro, after the approval, when a law shall have effect; and if it does not choose to do so, I can perceive no ground why a court of justice should be called upon to supply the defect, but when the time can be accurately and fully ascertained (as in the present case) when a bill was approved, I confess that I am not bold enough to say that it became, by relation, a law at any antecedent period of the same day. I cannot but view such an interpretation as at war with the true character and objects of the constitution."

There appears to be must weighty opinion confirming Appellant's contention that the time of the date of effectiveness is not only admissable, but essential when needed to protect the rights of the individual. Despite any legislative language to the contrary, no law can become effective before the appropriate executive approval. To hold that once that approval is given,

the law becomes retroactively enforceable would seem to be a frightening concept. If the above arguments be logical and valid to this point, then it remains only to consider the additional factor involved in this matter; how shall the courts construe in the complete absence of record keeping on the fact of time of the Governer's approval. Appellant respectfully submits that to arrive at a judgment which moves the effective time ahead to the end of the day carriers with it no risk of violation of rights. To judge the time as moving backward to the beginning of the day confirms the fiction of "The Midnight Signer" and risks the deprivation of rights which may evolve from the retroactive nature of such a concept.

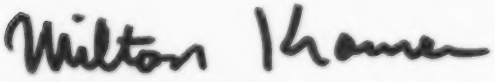
CONCLUSION

This conviction rests on a violation of Petitioner's rights under the constitution of the State of New York, Article IV, Section 7, and a violation of Petitioner's rights under the constitution of the United States, Article I, Section 10.

That the deminimis non curat lex nature of the material substance of this case should not be permitted to obscure the importance of the legal question raised.

THE JUDGMENT OF CONVICTION SHOULD BE REVERSED AND APPROPRIATE RESTITUTION AWARDED PETITIONER

Respectfully submitted



MILTON KRAMER
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Appendix

STATE OF NEW YORK: COUNTY OF WESTCHESTER

TOWN COURT : TOWN OF SOMERS

- -

PEOPLE OF THE STATE OF NEW YORK

Plaintiff,

against

MILTON KRAMER

Defendant

- -

Defendant, charged with a failure to change the color of a state police car purchased by him, raises the sole issue that the law was effective May 17, 1978, the day after the purchase and therefore did not apply.

The Court finds the law effective May 16, 1978 and therefore applicable to the defendant.

Defendant is found guilty of a violation of this section and is directed to comply with the law and furnish proof of such compliance to this court within 15 days

hereof. Failing to do so, a fine of Fifty ($50.00) Dollars will be imposed.

Dated November 16, 1978
Somers, N.Y.

Hon.Albert F. Mally
Town Justice

JUDGMENT OF THE APPELLATE TERM OF THE SUPREME COURT OF THE STATE OF NEW YORK FOR THE 9th AND 10th JUDICIAL DISTRICTS HELD IN NASSAU COUNTY on the 26th day of July, 1979.

Hon. Thomas P. Farley - Presiding Justice
Morrie Slifkin
Edward M. O'Gorman - Justices

The People of the State of New York,
Respondent,

vs.

Milton Kramer
Appellant

The above named Milton Kramer the defendant herein, having appealed to this court from a judgment of the Town Court, Town of Somers, County of Westchester the 16th day of November 1978, after a trial convicting him of a violation of Section 375.21(a) Vehicle and Traffic Law and imposing sentence as follows: defendant directed to comply with section and furnish proof of such compliance to court within 15 days. Failing to do so, defendant fined $50.00 and the said appeal having been argued by Mr. Milton Kramer the appellant in person and submitted by Mr. Julius S. Impellizzeri, Esq. of counsel for the

respondent, and due deliberation having been had thereon; It is hereby ordered and adjudged that the judgment of conviction so appealed from be, and the same is hereby, affirmed.

/s/ John A. Cahill
Chief Clerk Appellate Term

CAL NO. 135 The People of the State of New York, Respondent v MILTON KRAMER, Appellant (W)

Judgment of Conviction affirmed.

Defendant purchased a state police vehicle on May 16, 1978. The vehicle was registered on that day. On that same date, Section 375(21-a) of the Vehicle and traffic law requiring the repainting of such vehicles within fifteen days of registration became effective. On September 26, 1978 defendant was issued a simplified traffic information for failing to comply with the statute. In our opinion, since the act required of the defendant by the statute was still prospective, the statute cannot be considered as falling within the definition of an ex post facto law, as applied to defendant (see Dobbert v. Florida, 432 US 282).

All concur.

STATE OF NEW YORK
COURT OF APPEALS

BEFORE HON. JACOB D. FUCHSBERG, Associate Judge

THE PEOPLE OF THE STATE OF NEW YORK

against

MILTON KRAMER

CERTIFICATE DENYING LEAVE

I, JACOB D. FUCHSBERG, Associate Judge of the Court of Appeals of the State of New York, do hereby certify that, upon application timely made by the above-named appellant for a certificate pursuant to CPL 460.20 and upon the record and proceedings herein*, there is no question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal is hereby denied.

Dated at New York, New York
August 22, 1979

/s/ Jacob D. Fuchsberg
Associate Judge

* Description of Order: Order of the Appellate Term, 9th and 10th Judicial Dists dated July 26, 1979 affirming a judgment of the Town Court, Town of Somers, County of Westchester rendered November 16, 1978

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Milton Kramer - Petitioner

against

ATTORNEY GENERAL OF THE STATE OF NEW YORK

Respondent

79 Civil 5234 (WK)

The above named petitioner having filed a petition for a Writ of Habeus Corpus, pursuant to title 28 U.S.C. Sec. 2254 and said petition having been submitted to the Honorable Whitman Knapp, United States District Judge, and the Court thereafter on February 7, 1980, having handed down its decision denying the said petition, it is,

ORDERED, ADJUDGED and DECREED: That the petition be and it is hereby denied in all respects.

Dated: New York, N.Y. February 8, 1980

/s/ Raymond R. Burghardt, Clerk

The petition is denied. Petitioner is not in state custody, neither can we find any constitutional violation. So ordered

February 5, 1980 /s/ Whitman Knapp
New York N.Y. U.S.D.J.

UNITED STATES COURT OF APPEALS
Second Circuit

Pro Se 308086
11/3/81

Filed Nov 5 1981
United States
Court of Appeals

At a stated term in the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York on the Fifth day of November, one thousand nine hundred and eighty-one.

Milton Kramer

Appellant,

v

Attorney General, State of N.Y.,

Appellee.

A motion having been made herein by Appellant pro se for a reinstatement and a certificate of probable cause,
Upon consideration thereof, it is Ordered that said motion be and it hereby is granted as to the reinstatement of the appeal and denied as to the application of a certificate of probable cause.

/s/ Irving R. Kaufman
James L. Oakes
Thomas J. Meskill
Circuit Judges

IRK JLO TJM

UNITED STATES COURT OF APPEALS
Second Circuit

Pro Se
1/21/82
808086

United States
Court of Appeals
Second Circuit
filed Feb. 4 1982

At a stated term of the United States Court of Appeals in and for the Second Circuit, held at the United States Court House, in the City of New York, on the fourth day of February, one thousand nine hundred and eighty two.

Milton Kramer

Appellant

v.

Attorney General, State of N.Y.,

Appellee.

A motion having been made herein by Appellant pro se for Rehearing/ Reconsideration upon consideration thereof, it is ordered that said motion be and it hereby is Denied.

/s/ Irving R. Kaufman
James B. Oakes
Thomas J. Meskill
Circuit Judges

IRK JLO TJM

THE CONSTITUTION OF THE UNITED STATES

Article I, Section 10:

"No state shall enter into any treaty, alliance,or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, ..."
(Emphasis added)

THE CONSTITUTION OF THE STATE OF NEW YORK
Article IV, Section 7

" Every bill which shall have passed the senate and assembly shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections....."
(Emphasis added)

VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK , Section 375, Subdivision 21a

"In any case where a New York State police vehicle is painted a distinctive color which would designate it in the public,s view as such a state police vehicle, the purchaser of such vehicle shall cause the color of its paint to be altered and any designated markings to be removed within fifteen days of registration. Section 2. This act shall take effect immediately. Approved and effective May 16th, 1978."

LETTER FROM RICHARD A. BROWN, COUNSEL TO THE GOVERNOR, STATE OF NEW YORK by ROSE MARY HANNAN, Legistative Secretary

Dear Mr. Kramer,

In response to your letter of May 3, please be directed to chapter 144 of the laws of 1978 which "amend the vehicle and traffic law, in relation to changing color of state police vehicles offered for resale and which the Governor signed on May 16, 1978.
I enclose a copy of the bill for your convenience.

The time of the day the Governor signed the bill is not recorded on the bill jacket or any other official documents.

I hope this answers your inquiry to this office.

Sincerely,

ROSE MARY HANNAN
Legislative Secretary

(dated May 7, 1979)

LETTER FROM THE COMMISSIONER OF MOTOR VEHICLES, STATE OF NEW YORK by A LOUIS ALOWITZ, Assistant Counsel, dated October 3, 1978

Dear Mr. Kramer,

In your letter dated September 26, 1978 following our conversation of the same day, you asked if you must repaint your vehicle. The vehicle was a State Police car and is painted the distictntive blue and gold of State Police cars. You bought your vehicle on May 16, 1978.

On May 16, 1978, Governor Carey signed into law a bill which requires vehicles painted colors which would designate it as a State Police vehicle be repainted and any distinctive markings be removed within fifteen days of registration. This new law took effect immediately.

As I stated above, the Governor signed the bill on May 16th which is the same day you purchased your vehicle. The law does not split days. We consider the bill to take effect one second after midnight on the morning of May 17, 1978. The law is not retroactive either. It will apply only to vehicles purchased on or after May 17, 1978.

I trust this information will be of assistance to you.

Very truly yours,

JAMES P. MELTON, Commissioner of Motor Vehicles
by/A Louis Alowitz, Assistant Counsel